

BOARD MEETING DATE: March 5, 2021

AGENDA NO. 1

MINUTES: Governing Board Monthly Meeting

SYNOPSIS: Attached are the Minutes of the February 5, 2021 meeting.

RECOMMENDED ACTION:

Approve Minutes of the February 5, 2021 Board Meeting.

Faye Thomas  
Clerk of the Boards

FT:cmw

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**FRIDAY, FEBRUARY 5, 2021**

Notice having been duly given, the regular meeting of the South Coast Air Quality Management District Board was conducted remotely via videoconferencing and telephone. Members present:

William A. Burke, Ed.D., Chairman  
Speaker of the Assembly Appointee

Mayor Pro Tem Ben Benoit, Vice Chairman  
Cities of Riverside County

Supervisor Lisa A. Bartlett  
County of Orange

Council Member Joe Buscaino  
City of Los Angeles

Mayor Pro Tem Michael A. Cacciotti  
Cities of Los Angeles County – Eastern Region

Senator Vanessa Delgado (Ret.)  
Senate Rules Committee Appointee

Gideon Kracov  
Governor's Appointee

Supervisor Sheila Kuehl  
County of Los Angeles

Mayor Pro Tem Larry McCallon  
Cities of San Bernardino County

Council Member Judith Mitchell (Ret.)  
Cities of Los Angeles County – Western Region

Supervisor V. Manuel Perez  
County of Riverside

Mayor Pro Tem Carlos Rodriguez  
Cities of Orange County

Supervisor Janice Rutherford  
County of San Bernardino

Members absent: None

**CALL TO ORDER:** Chairman Burke called the meeting to order at 9:00 a.m.

- Pledge of Allegiance: Led by Council Member Mitchell
- Roll Call

Senator Delgado joined the meeting at approximately 9:05 a.m.  
Supervisor Rutherford joined the meeting at approximately 9:10 a.m.

- Retirement Presentation to Board Member Judy Mitchell

Chairman Burke announced that a retirement award had been sent to Council Member Mitchell's home and a compilation video had been prepared featuring farewell and thank you messages from colleagues and staff. He also announced that conference room CC-8 at the South Coast AQMD will be renamed in her honor to recognize her years of service and dedication to the Board.

Council Member Mitchell introduced and welcomed her replacement on the Board, Long Beach Vice Mayor Rex Richardson, and highlighted his accomplishments.

Vice Mayor Richardson expressed appreciation for the introduction and stated that he looks forward to serving on the Board and working with fellow Board members to clean the air and ensure that communities can thrive.

Board Members congratulated Council Member Mitchell on her retirement, expressed gratitude for her hard work and dedication over the years and reflected on her extensive career in public service.

Council Member Mitchell expressed appreciation for the honor, thanked staff for their hard work and shared memories of current and former Board members she served with over the past decade. She praised Chairman Burke's leadership and legacy at the agency and recommended renaming the South Coast AQMD auditorium in his honor. Several Board Members concurred with her recommendation.

- Opening Comments

Mayor Pro Tem Cacciotti shared photos of a commercial electric lawn and garden equipment demonstration event at Jurupa Hills High School that he attended; reported that Compton Unified School District had recently made a large purchase of electric lawn and garden equipment; offered to hold a demonstration event in Yorba Linda and thanked staff for supporting the program. He also commented on the number of warehouses he observed during his visit to the Inland Empire.

Mayor Pro Tem McCallon shared photos of the San Gabriel Mountains and Mt. Baldy following recent storms to highlight clear skies and the progress that South Coast AQMD has made toward clean air but recognized there is still more work to be done. He inquired about the availability of the MATES V final report.

Wayne Nastri, Executive Officer, responded the report is expected to be available in the Spring of this year and the results will be presented to the appropriate Board committee.

**PUBLIC COMMENT PERIOD** – (Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3)

Barbara Jackson, Bellflower resident and Phillips 66 Refinery employee  
Charlie Sandoval, Gardena resident and Phillips 66 Refinery employee  
Owen Heminger, Los Angeles resident and Phillips 66 Refinery employee  
Commented on their career and personal experiences as an employee of Phillips 66. The refineries provide well-paying jobs across all skill levels that support families and are committed to ensuring the safety and well-being of their employees, the community and environment. Employees are also committed to ensuring safe, reliable and responsible operations.

Sarah Wiltfong, Los Angeles County Business Federation (BizFed)  
Ron Miller, Los Angeles/Orange Counties Building & Construction Trades Council  
Rita Loof, RadTech International  
Patty Senecal, Western States Petroleum Association (WSPA)  
Curt Coleman, Southern California Air Quality Alliance  
Congratulated Council Member Mitchell and expressed gratitude for her work on the boards of the South Coast AQMD and CARB and her willingness to meet and engage on complex issues. Welcomed Vice Mayor Richardson and Supervisor Kuehl and congratulated Board Member Kracov on his appointment to the CARB Board.

Alyssa Bell, Emily Spokes, Jessica Craven, Amy Francis, and Carolina Forni of the North East Los Angeles (NELA) Climate Collective expressed appreciation to Council Member Mitchell for her service and congratulated Vice Mayor Richardson on his appointment to the Board. Expressed concerns about the impact of climate change and wildfires on air quality, and the link between air pollution and COVID health disparities in low-income communities and communities of color. Thanked Mayor Pro Tem Cacciotti for his presentations on electric lawn and garden equipment but stated that more needs to be done to replace gas-powered leaf blowers; expressed gratitude to staff for their presentation at a recent environmental workshop in Highland Park. Urged the Board to adopt a strong Indirect Source Rule (ISR) for warehouses.

Fabian Wesson, a member of the public, thanked Council Member Mitchell for supporting Black employees at South Coast AQMD and welcomed Vice Mayor Richardson. She reiterated her previous request for a progress report on diversity, equity and inclusion efforts at the South Coast AQMD and the need for an open and transparent process.

Steven Goldsmith, Torrance Refinery Action Alliance (TRAA), thanked Council Member Mitchell for strongly supporting the ban of hydrofluoric acid (HF). He stated that the Torrance Refining Company and Valero Refinery have performed little or no safety enhancements since the Board approved their proffer letters in September 2019. Expressed concern with the potential release of HF that would have a catastrophic impact on surrounding communities, noting there are commercially available safer alternatives to HF/modified HF. Urged the Board to rescind the 2019 proffer agreements and return to the rulemaking process.

Daniela Arellano, Martina and Alucard (Los Feliz Charter School for the Arts students and members of the Youth Environmental Leadership Club)

Expressed concern for themselves as well as family and friends who suffer from respiratory illnesses due to poor air quality. Noted the increased number of days with unhealthful air quality last year that prevented children from playing outside. Stressed the importance of adopting a strong ISR.

Maggie Ineno, A Blue Sky Foundation, commented on an initiative to ban the use of combustion-powered leaf blowers in Calabasas and offered to meet with staff to discuss a plan.

Dr. Genghmun Eng, TRAA, thanked Council Member Mitchell for helping the community and her years of public service. He commented on the cause of the June 21, 2019 Philadelphia Energy Solutions Refinery explosion that triggered the release of HF into the atmosphere and urged for a ban on HF to prevent this from happening again.

Ranji George, Coalition for Advancement to Promote Zero-Emission Technologies, commented on Harvey Eder's advocacy for solar energy over the years and a petition that Mr. Eder attempted to file in court. Thanked Chairman Burke and Council Member Mitchell for their many years of public service.

Al Sattler, a member of the public, thanked Council Member Mitchell for her years of public service advocating for clean air and public health. He commented on the 2015 ExxonMobil Refinery explosion in Torrance that narrowly missed hitting a tank containing MHF that could have had deadly consequences. It is time for the refineries to convert to safer alkylation alternatives that are currently available. These alternatives would be much safer for refinery workers and would not result in job loss.

Elise Kalfayan, Glendale resident/member of Glendale Environmental Coalition

Michelle Lewis, Long Beach resident

Jessie Parks, Student and Riverside resident

Kyler Chin, Irvine high school student/Sunrise Movement Los Angeles

Commented on the growth of e-commerce and the warehouse industry that results in more air pollution. Expressed support for a strong warehouse ISR and electrification of warehouse operations.

Gabriela Mendez, Center for Community Action and Environmental Justice, thanked Council Member Mitchell for supporting the community and wished her well. She emphasized the need for a strong warehouse ISR and noted the harmful effects to the people and environment in the Inland Empire region from the warehouse industry.

Nancy Matson, a member of the public, congratulated Council Member Mitchell. She expressed support for a strong warehouse ISR; commented on the increase in ozone levels in 2020 and the relationship between the climate and air pollution; and noted that indoor air quality is as much a concern as outdoor air quality.

Chris Chavez, Coalition for Clean Air/AB 617 Community Steering Community Member, thanked Council Member Mitchell for her years of service, welcomed Vice Mayor Richardson, thanked Board Members who attended the recent Southeast Los Angeles Community Steering Committee meeting, and extended an invitation to attend the February 11 Community Steering Committee meeting for the Wilmington, Carson, West Long Beach community. He commented on the large number of container ships idling off the Southern California coast and requested that staff provide information to the public about the adverse health impacts of emissions from ships. He also expressed support for strong rules that reduce air pollution from warehouses and oil refineries in low-income communities and communities of color.

Board Member Kracov inquired about South Coast AQMD's authority to regulate emissions from ships, given their adverse health effects and impact on attainment of the NOx standard.

Mr. Nastri responded that the South Coast AQMD does not have direct authority to regulate emissions from ships but has authority to investigate and enforce sources of odor nuisance if complaints are received from residents in the surrounding communities. Staff will reach out to U.S. EPA and CARB to see what can be done and continue to engage in discussions with the ports. Mr. Nastri also mentioned that the congestion at the ports is due to the tremendous demand for goods, as well as a shortage of longshore workers who have been infected with the COVID virus.

Charlie Clinton, Torrance resident/TRAA, commented on the report released by the Torrance Refining Company and Valero Refinery in January 2021 on their progress in implementing the safety measures contained in the September 2019 proffer letters. He stated that the report confirms that the information on the safety enhancements is largely narrative and not quantitative. The report also ignores commercially available alternatives that are safer.

Thomas Jelenic, Pacific Merchant Shipping Association, thanked Council Member Mitchell for her years of service on the Board and congratulated Vice Mayor Richardson on his appointment to the Board. He stated that the proposed ISR does not offer meaningful emission reductions beyond the regulatory proposals that have already been put forward by CARB. He looks forward to working with the Board on this issue.

Ivette Torres, Center for Community Action and Environmental Justice, commented on a proposed warehouse development project in the Inland Empire that will displace approximately 200 residents. She expressed support for a strong warehouse ISR and refinery rule (Proposed Rule 1109.1 - Emissions of Oxides of Nitrogen from Petroleum Refineries and Related Industries), noting that both rules are identified as air quality priorities in AB 617 Community Emission Reduction Plans.

Harvey Eder, Public Solar Power Coalition, expressed appreciation to the NECLA Climate Collective for their comments; urged support for solar technologies; expressed opposition to the time limit on public comments; and commented on difficulties he experienced filing legal documents in federal court.

Byron Chan, Earthjustice, thanked Council Member Mitchell for her service and welcomed Vice Mayor Richardson to the Board. He urged the Board to adopt a strong Rule 1109.1 to require refineries to install pollution controls. The refineries have avoided installing such equipment through their participation in the RECLAIM program. A strong refinery rule is needed given the immense health benefits that will be derived in the environmental justice communities of Wilmington, Carson and Long Beach.

Peter Herzog, NAIOP/Commercial Real Estate Development Association, wished Council Member Mitchell well, welcomed Vice Mayor Richardson and congratulated Board Member Kracov on his appointment to the CARB Board. He noted the progress that has been made towards achieving clean air due to the commitment and actions that have been taken over the years, including efforts taken by the trucking industry that have significantly decreased diesel particulate matter. He stressed the need to use the best science to develop regulations and ensure those regulations are practical and technologically feasible.

Frances Keeler, California Council for Environmental & Economic Balance (CCEEB), expressed pleasure at working with Council Member Mitchell over the years. CCEEB looks forward to working with South Coast AQMD to identify creative solutions and resolve many complex issues to make sure that rules are effective.

Mark Abramowitz, former Governing Board Consultant, thanked Council Member Mitchell for everything she has done for air quality.

Comment Letters Re: Warehouse Indirect Source Rule Submitted by:

Rachel Paige, Los Angeles resident  
Kendall James, University of California, Santa Barbara student  
Ann Dorsey, Northridge resident

**CONSENT CALENDAR**

1. Approve Minutes of January 8, 2021 Board Meeting
2. Set Public Hearing March 5, 2021 to Consider Adoption of and/or Amendments to South Coast AQMD Rules and Regulations

Determine That Proposed Amended Rule 218 - Continuous Emission Monitoring; Proposed Rule 218.2 - Continuous Emission Monitoring System: General Provisions; and Proposed Rule 218.3 - Continuous Emission Monitoring System: Performance Specifications; Are Exempt from CEQA; Amend Rule 218; and Adopt Rules 218.2 and 218.3

**Budget/Fiscal Impact**

3. Execute Contract for the Volkswagen Environmental Mitigation Trust Program – Combustion Freight and Marine Projects Category and Amend Contract for Outreach and Other Program-Related Support
4. Amend AB 1318 Mitigation Fees Fund Contract with Coachella Valley Association of Governments
5. Recognize Revenue, Appropriate Funds, Execute Purchase Orders and Contracts to Design and Develop a Mobile Air Toxics Measurement Platform



6. Renew South Coast AQMD's Membership in CaFCP for Calendar Year 2021 and Receive and File California Fuel Cell Partnership Executive Board Meeting Agenda and Activity Updates
7. Appropriate Funds and Amend or Execute Contracts with Outside Counsel and Specialized Legal Counsel and Services
8. Appropriate Funds and Amend or Initiate Contracts with Outside Counsel and Specialized Legal Counsel and Services
9. Receive and File Annual Report on 457 Deferred Compensation Plan, Appoint Member to Deferred Compensation Plan Committee, and Issue RFP for Deferred Compensation Plan Administrator Services

**Items 10 through 16 – Information Only/Receive and File**

10. Legislative, Public Affairs and Media Report
11. Hearing Board Report
12. Civil Filings and Civil Penalties Report
13. Lead Agency Projects and Environmental Documents Received
14. Rule and Control Measure Forecast
15. Status Report on Major Ongoing and Upcoming Projects for Information Management
16. Status Report on Regulation XIII – New Source Review

Bayron Gilchrist, General Counsel, noted that Supervisor Perez would like to identify for the record that he is a member of the Coachella Valley Association of Governments, which is involved in Item No. 4.

(Chairman Burke left the meeting, due to connectivity issues)

Due to a number of requests to speak received on Consent and Board Calendar items, the vote on the Consent and Board Calendar was deferred until after those comments were made.

17. Items Deferred from Consent Calendar

**BOARD CALENDAR**

- 18. Administrative Committee
- 19. Mobile Source Committee
- 20. Stationary Source Committee
- 21. Legislative Committee
- 22. Technology Committee

(Council Member Buscaino left the meeting.)

MOVED BY MCCALLON, SECONDED BY KUEHL, AGENDA ITEMS 1 THROUGH 16, 18 THROUGH 20 AND 22, APPROVED AS RECOMMENDED, AND TO RECEIVE AND FILE THE COMMITTEE REPORTS, BY THE FOLLOWING VOTE:

AYES:           Bartlett,       Benoit,       Cacciotti,  
                  Delgado,       Kracov,       Kuehl,  
                  McCallon,     Mitchell,     Perez,  
                  Rodriguez, and Rutherford

NOES:           None

ABSENT:        Burke and Buscaino

Agenda Item No. 21 was withheld for comment and discussion.

21. Legislative Committee

Lisa Tanaka O'Malley, Senior Public Affairs Manager, provided a brief overview of H.R. 7024 and H.R. 8775 and noted that staff is recommending a support position on both legislative bills.

Kyler Chin  
Al Sattler  
Expressed support for both legislative bills.

MOVED BY PEREZ, SECONDED BY CACCIOTTI, AGENDA ITEM 21, APPROVED AS RECOMMENDED, TO RECEIVE AND FILE THE LEGISLATIVE COMMITTEE REPORT, AND APPROVE THE LEGISLATIVE COMMITTEE'S RECOMMENDATION ON LEGISLATION AS SET FORTH BELOW, BY THE FOLLOWING VOTE:

AYES: Bartlett, Benoit, Cacciotti, Delgado, Kracov, Kuehl, McCallon, Mitchell, Perez, Rodriguez and Rutherford

NOES: None

ABSENT: Burke and Buscaino

**LEGISLATIVE COMMITTEE RECOMMENDATIONS**

<b>Agenda Item</b>	<b>Recommendation</b>
H.R. 7024 (Barrágan) Climate Smart Ports Act of 2020	Support
H.R. 8775 (Ruiz) Salton Sea Public Health and Environmental Protection Act of 2020	Support

**Staff Presentations/Board Discussion**

23. Budget and Economic Outlook Update (*Presentation In Lieu of Board Letter*)

Jill Whynot, Chief Operating Officer, gave an overview of the presentation on Item No. 23 to provide an update on economic indicators and South Coast AQMD metrics and economic implications.

Board member Kracov inquired about the overall conclusion to draw from the data on potentially expired permits.

Ms. Whynot responded that most of the potentially expired permits are getting paid and only a small percentage are not being reinstated.

In response to Board Member Kracov's question regarding the number of permit applications that are processed in an average year, Amir Dejbakhsh, DEO/Engineering and Permitting, responded that South Coast AQMD typically receives 6,000 to 8,000 permit applications per year.

Chairman Burke noted that the number of expired permits is decreasing and businesses still have a year to renew.

Mayor Pro Tem Cacciotti inquired about the size and types of businesses that have expired permits.

Ms. Whynot noted that potentially expiring permits are predominantly small businesses such as spray booth operations, asbestos negative air machines, and dry cleaners that are changing out their perchloroethylene equipment. There are also miscellaneous industries, including government and academic institutions that are late in paying their permit renewal fees.

Supervisor Bartlett added that small businesses are experiencing financial hardship during the pandemic due to the restrictions on their operations and may not be able to pay their permit fees. Counties across the state are trying to do what they can through grant programs to help small businesses.

Mayor Pro Tem Rodriguez asked whether data collected for permit fees identify minority-owned businesses and if those businesses are disproportionately impacted.

Ms. Whynot responded that the data collected identifies small businesses; however, demographic data on the ethnicity of permit applicants may not be available.

Board Member Kracov inquired about the status of the permit backlog.

Ms. Whynot noted that staff are still working on permits while teleworking and continue to make incremental progress in reducing the backlog.

Mr. Eder commented on job losses and the financial hardships impacting small businesses due to the pandemic. He also commented on the solar new deal and expressed concerns about climate change, obesity, COVID-19 and other viruses that have impacted the world.

Al Sattler expressed concerns about using refinery activity as an economic indicator and suggested that other types of businesses, including small businesses, be included in the monthly report.

Kyler Chin suggested that future monthly reports include information on the economic impacts to frontline and vulnerable communities.

**PRESENTATION ONLY; NO ACTION REQUIRED**

(Chairman Burke and Council Member Buscaino rejoined the meeting.)

## **PUBLIC HEARINGS**

24. Determine That Proposed Rule 1150.3 – Emissions of Oxides of Nitrogen from Combustion Equipment at Landfills, Is Exempt from CEQA and Adopt Rule 1150.3

Board Member Kracov recused himself from Agenda Item No. 24 because of his position as General Counsel of the California Waste and Recycling Association, which is involved in this item.

Michael Morris, Planning and Rules Manager, gave the staff presentation on Item No. 24.

Council Member Mitchell noted that natural gas is sometimes added to landfill gas to extend the life of the capture process. She asked if the control devices that are in place are adequate to control the new mixture of gas.

Mr. Morris explained that adding natural gas will slightly impact the control devices used for those operations; however, the amount of siloxanes that are still in the system will make it difficult for traditional control equipment to continue to function. A provision was included in the rule that allows facilities to add natural gas and the limits are weighted accordingly but facilities will remain challenged with trying to address siloxanes.

The public hearing was opened, and the following individuals addressed the Board on Item 24.

David Rothbart, Los Angeles County Sanitation Districts, thanked staff for working with them in addressing the differences between biogas and natural gas. He congratulated Council Member Mitchell on her retirement and thanked her for her many years of public service.

Mr. Eder expressed concerns about biogas from landfills, sewage treatment plants and feedlots and urged support for the Solar New Deal.

Al Sattler expressed support for the rule noting the importance of collecting landfill gas and using combustion methods so that methane is not released into the atmosphere.

Kyler Chin expressed support for the rule noting the importance of placing limits on nitrogen oxide and carbon emissions and expressed concern about the burning of excess methane at landfills.

There being no further testimony on this item, the public hearing was closed.

MOVED BY CACCIOTTI, SECONDED BY BENOIT, AGENDA ITEM NO. 24 APPROVED AS RECOMMENDED, ADOPTING RESOLUTION NO. 21-3 DETERMINING THAT PROPOSED RULE 1150.3 – EMISSIONS OF OXIDES OF NITROGEN FROM COMBUSTION EQUIPMENT AT LANDFILLS IS EXEMPT FROM THE REQUIREMENTS OF CEQA AND ADOPT RULE 1150.3 – EMISSIONS OF OXIDES OF NITROGEN FROM COMBUSTION EQUIPMENT AT LANDFILLS, BY THE FOLLOWING VOTE:

AYES: Bartlett, Benoit, Burke, Buscaino, Cacciotti, Delgado, Kuehl, McCallon, Mitchell, Perez, Rodriguez, and Rutherford

NOES: None

ABSTAIN: Kracov

ABSENT: None

25. Determine That Proposed Amendments to BACT Guidelines Are Exempt from CEQA and Amend BACT Guidelines

Staff waived the presentation on Item No. 25.

The public hearing was opened, and the following individual addressed the Board on Item 25.

Rita Loof, RadTech International, expressed support for the amendments and appreciation to staff and Board members for working with stakeholders.

There being no further testimony on this item, the public hearing was closed.

MOVED BY MITCHELL, SECONDED BY CACCIOTTI, AGENDA ITEM NO. 25 APPROVED AS RECOMMENDED, TO DETERMINE THAT THE PROPOSED AMENDMENTS TO THE BACT GUIDELINES ARE EXEMPT FROM THE REQUIREMENTS OF CEQA AND APPROVE PROPOSED AMENEMENTS TO THE BACT GUIDELINES, BY THE FOLLOWING VOTE:

AYES: Bartlett, Benoit, Burke, Buscaino, Cacciotti, Delgado, Kracov, Kuehl, McCallon, Mitchell, Perez, Rodriguez, and Rutherford

NOES: None

ABSENT: None

**OTHER BUSINESS**

- 26. Approve One-Year Labor Agreement with Teamsters Local 911, Approve Comparable Terms for Non-Represented Employees, and Approve a Telework Stipend Proposal

Board Member Kracov recused himself from Agenda Item No. 26 because the International Brotherhood of Teamsters, Local 911 and 1932 are potential sources of income to him.

John Olvera, DEO/Administrative and Human Resources, gave the staff presentation on Item No. 26.

MOVED BY MITCHELL, SECONDED BY BENOIT, AGENDA ITEM NO. 26 APPROVED AS RECOMMENDED, BY THE FOLLOWING VOTE:

AYES: Bartlett, Benoit, Burke, Buscaino, Cacciotti, Delgado, Kuehl, McCallon, Mitchell, Perez, Rodriguez, and Rutherford

NOES: None

ABSTAIN: Kracov

ABSENT: None

**CLOSED SESSION**

There was no closed session.

**ADJOURNMENT**

There being no further business, the meeting was adjourned by Chairman Burke at 12:15 p.m.

The foregoing is a true statement of the proceedings held by the South Coast Air Quality Management District Board on February 5, 2021.

Respectfully Submitted,

Faye Thomas  
Clerk of the Boards

Date Minutes Approved: \_\_\_\_\_

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Dr. William A. Burke, Chairman

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**ACRONYMS**

AQMP = Air Quality Management Plan  
BACT = Best Available Control Technology  
CEQA = California Environmental Quality Act  
FY = Fiscal Year  
MSRC = Mobile Source (Air Pollution Reduction) Review Committee  
RECLAIM = Regional Clean Air Incentives Market  
RFP = Request for Proposals  
U.S. EPA = United States Environmental Protection Agency  
VOC = Volatile Organic Compound